

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

VIOLET SEKATA)	
)	
)	
Plaintiff,)	
)	Case No.: _____
v.)	
)	
FEDEX AKA FEDEX GROUND AKA)	
FEDEX GROUND TRANSPORTATION)	NOTICE OF REMOVAL
AKA FEDEX RISK MANAGEMENT)	
)	
Defendant.)	
)	

TO THE JUDGES OF THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF OHIO, AND TO PLAINTIFF:

PLEASE TAKE NOTICE that Defendant Federal Express Corporation, incorrectly sued as FedEx a/k/a FedEx Ground a/k/a FedEx Ground Transportation a/k/a FedEx Risk Management (“FedEx”), files this Notice of Removal under 28 U.S.C. § 1441, to effect removal of this matter which was commenced in the Stow Municipal Court, Summit County, Ohio under Case No.: 2019CVF04092. Removal is proper for the following reasons:

1. On December 12, 2019, the Plaintiff filed this action in the the Stow Municipal Court, Summit County, Ohio under Case No.: 2019CVF04092. FedEx’s records indicate that its agent, CT Corporation System, received service of this action on January 2, 2020, and thirty days since such receipt has not yet expired (See Declaration of Brian Hickman attached as Exhibit A).

2. The United States District Courts have original jurisdiction by reason and way of federal question jurisdiction, 28 U.S.C. § 1331.

3. The claims asserted by the Plaintiff in its Complaint and the liability of FedEx, if any at all, are governed by principles of federal common law applicable to shipments made in interstate commerce by a federally certificated air carrier such as FedEx. *See Nippon Fire & Marine Ins. Co., Ltd. v. Skyway Freight Sys., Inc.*, 235 F.3d 53, 59 (2d Cir. 2000) (*citing Read-Rite Corp. v. Burlington Air Express, Ltd.*, 186 F.3d 1190 (9th Cir. 1999)). As such, this Court

has original jurisdiction over the subject matter of this civil action pursuant to 28 U.S.C. § 1331, and this civil action may be removed pursuant to 28 U.S.C. § 1441(b). *See Nippon*, 235 F. 3d 53, 59 (2d Cir. 2000) (citing *Sam L. Majors Jewelers v. ABX, Inc.*, 117 F.3d 922 (5th Cir. 1997)).

4. The Defendant may, under section 1441 of the Judicial Code, 28 U.S.C. § 1441, remove this action to this court because this is a civil action of which the district courts of the United States have original jurisdiction that is brought in a state court.

5. Attached hereto as Exhibit “B,” is a true and correct copy of the complaint filed in this action in the Stow Municipal Court, Summit County, Ohio under Case No.: 2019CVF04092.

6. A Notice of Filing of this Notice of Removal is being concurrently filed with the Stow Municipal Court, Summit County, Ohio.

WHEREFORE, FedEx prays that this civil action be removed to this Court from the Stow Municipal Court, Summit County, Ohio.

Dated: This the 30th day of January, 2020.

Respectfully Submitted,

s/ Colleen Hitch Wilson
Colleen Hitch Wilson
FEDERAL EXPRESS CORPORATION
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Attorney for Federal Express Corporation

CERTIFICATE OF SERVICE

I, do hereby certify, that a true and correct copy of the foregoing document was electronically filed using the Court's CM/ECF system and sent via FedEx Express, this the 30th day of January, 2020, to:

Gregg D. Garfinkel
DENMAN & LERNER CO., LPA
8039 Broadmoor Rd., Suite 21
Mentor, OH 44060

/s/Colleen Hitch Wilson, Esq.
Colleen Hitch Wilson, Esq.